

REMARKS

In response to the Office Action mailed April 3, 2007, Applicant respectfully requests reconsideration of the Application in view of the foregoing Amendments and the following Remarks. The claims as now presented are believed to be in allowable condition.

Claims 3 and 15 have been canceled, and claims 1, 2, 13, 14, 25, 26, and 27 have been amended. Claims 1, 2, 4-14, 16-27 remain in this application, of which claims 1, 13, and 25 are independent claims.

Rejection of Claims 1-4, 10, 11, 13-16, 22, 23, and 25-27 under 35 U.S.C. §102(e)

Claims 1-4, 10, 11, 13-16, 22, 23, and 25-27 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Publication No. US 2004/0161145 to Embler (hereafter referred to as “Embler”). Applicant respectfully traverses this rejection.

Claims 1, 13, and 25 have been amended to recite that the virtually filtered luminance is determined from a first processing of the region of pixel data and without using other pixel data for a pixel location within the region, and that the reference luminance is determined for the pixel location from a second processing of the same region of pixel data and without using other pixel data.

Referring to 3 of Embler, the pattern correlator 44 determines neighborhood sample patterns using reference patterns as stored in the reference pattern storage unit 46. In contrast, the interpolator 34 of Embler determines interpolated color values from the pixel data from the image source 33.

The reference patterns as stored in the data storage unit 46 is separate pixel data that is different from the pixel data of the image source 33. Such separate pixel data via the reference

patterns are stored in the data storage unit 46 during a pre-operation setup before any pixel data from the image source 33 is received and processed as stated at page 1, paragraphs [0009] and [0010] of Embler:

[0009] In a low computation embodiment, the reference patterns are various possible combinations of a high reference value and a low reference value within a selected neighborhood configuration. The high reference value may be a maximum color value of the *digitized image signal*, while the low reference value may be the minimum color value. When minimum and maximum color values are used, the reference patterns are representative of the various maximum luminous gradient possibilities within the selected neighborhood configuration.

[0010] The reference patterns are selected during the *pre-operation setup* of the system. Additionally, each reference pattern may be assigned a specific pattern output value that is used to determine an adjustment amount, which may be positive, negative or zero. The adjustment amount is employed to selectively increment or decrement interpolated color values when one of the reference patterns is identified in a correlation process during normal operation of the system. (Emphasis Added.)

Thus, the reference patterns are determined using separate pixel data generated during the pre-operation setup before the normal operation of processing the pixel data from the image source 33.

Consequently, Embler does not disclose or suggest using just the one same region of pixel data for determining both the virtually filtered luminance and the reference luminance and without using any other pixel data, as recited in amended claims 1, 13, and 25.

Anticipation of a claimed invention requires the presence in a single prior art document of *each and every* element of the properly construed claim. The Federal Circuit has set out the following requirements for anticipation pursuant to 35 U.S.C. §102:

...that a patent claim is anticipated under 35 U.S.C. §102 “must demonstrate, among other things, identity of invention.”...[O]ne who seeks such a finding must show that each element of the claim in issue is found, either expressly or under principles of inherency, in a single prior art

reference, or that the claimed invention was previously known or embodied in a single prior art device or practice.

Minnesota Mining & Mfg. Co. v. Johnson & Johnson Orthopaedics, Inc., 976 F.2d 1559, 1565

(Fed. Cir. 1992).

Because Embler does not disclose, teach, or suggest all of the limitations of amended claims 1, 13, and 25, the rejection of claims 1, 13, and 25 under 35 U.S.C. §102(e) in view of Embler should be withdrawn.

Claims 3 and 15 have been canceled.

Claims 2, 4, 10, and 11, which depend from and further limit claim 1, are allowable for at least the same reasons that claim 1 is allowable as stated above.

Claims 14, 16, 22, and 23, which depend from and further limit claim 13, are allowable for at least the same reasons that claim 13 is allowable as stated above.

Claims 26 and 27, which depend from and further limit claim 25, are allowable for at least the same reasons that claim 25 is allowable as stated above.

Rejection of Claims 5, 7, 17, and 19 under 35 U.S.C. §103(a)

Claims 5, 7, 17, and 19 are rejected under 35 U.S.C. §103(a) as being unpatentable over Embler in view of U.S. Patent No. 6,937,772 to Gindele.

Claims 5 and 7, which depend from and further limit claim 1, are allowable for at least the same reasons that claim 1 is allowable as stated above.

Claims 17 and 19, which depend from and further limit claim 13, are allowable for at least the same reasons that claim 13 is allowable as stated above.

Rejection of Claims 12 and 24 under 35 U.S.C. §103(a)

Claims 12 and 24 are rejected under 35 U.S.C. §103(a) as being unpatentable over Embler in view of U.S. Patent No. 7,139,022 to Raffy.

Claim 12, which depends from and further limits claim 1, is allowable for at least the same reasons that claim 1 is allowable as stated above.

Claim 24, which depends from and further limits claim 13, is allowable for at least the same reasons that claim 13 is allowable as stated above.

Rejection of Claims 9 and 21 under 35 U.S.C. §103(a)

Claims 9 and 21 are rejected under 35 U.S.C. §103(a) as being unpatentable over Embler in view of U.S. Patent No. 5,880,782 to Koyanagi.

Claim 9, which depends from and further limits claim 1, is allowable for at least the same reasons that claim 1 is allowable as stated above.

Claim 21, which depends from and further limits claim 13, is allowable for at least the same reasons that claim 13 is allowable as stated above.

Conclusions

In view of the foregoing amendments and remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested. Please feel free to contact the undersigned should any questions arise with respect to this case that may be addressed by telephone.

Respectfully submitted,
for the Applicant(s)

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CERTIFICATE OF MAILING

The undersigned hereby certifies that the foregoing AMENDMENT AND RESPONSE is being deposited in the United States Postal Service, as first class mail, postage prepaid, in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 27th day of June, 2007.

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